

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:08-cr-21-FtM-38MRM

MARIO ALBERTO ROSALES
a/k/a Mario Roberto Rosales-Trejo

ORDER¹

Before the Court is the United States' Request for Leave to Dismiss the Indictment. ([Doc. 6](#)). In 2008, a federal grand jury indicted Defendant Mario Alberto Rosales for illegally reentering this country in violation of [8 U.S.C. § 1326\(a\)](#). ([Doc. 1](#)). The Court issued an arrest warrant, but Rosales could not be found. Fast forward to the present. The Government advises that Rosales has since been convicted of several state crimes that led to a life sentence in June 2015. The Government now moves to dismiss the Indictment under [Federal Rule of Criminal Procedure 48\(a\)](#) because prosecuting Rosales will not accomplish the [18 U.S.C. § 3552\(a\)\(2\)](#) factors. After considering the record and applicable law, the Court will grant the Government's motion.

Accordingly, it is now

ORDERED:

(1) The United States' Request for Leave to Dismiss the Indictment ([Doc. 6](#)) is

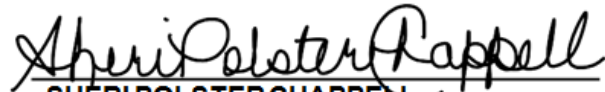
GRANTED. The Court **dismisses without prejudice** the Indictment against

Defendant Mario Alberto Rosales.

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(2) The Clerk is **DIRECTED** to close the file and terminate any pending deadlines.

DONE AND ORDERED in Fort Myers, Florida on this 7th day of May 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: Counsel of Record